

IC 20-8.1-5.1

Chapter 5.1. Suspension, Expulsion, and Student Discipline

IC 20-8.1-5.1-0.5

"Physician"

Sec. 0.5. As used in this chapter, "physician" means an individual licensed to practice medicine or osteopathic medicine under IC 25-22.5 or the law of another state.

As added by P.L.264-2001, SEC.1.

IC 20-8.1-5.1-1

"Principal"

Sec. 1. As used in this chapter, "principal" includes a principal's designee.

As added by P.L.131-1995, SEC.10.

IC 20-8.1-5.1-2

"Superintendent"

Sec. 2. As used in this chapter, "superintendent" includes a superintendent's designee.

As added by P.L.131-1995, SEC.10.

IC 20-8.1-5.1-3

Duty and powers of school corporation to supervise and discipline students

Sec. 3. (a) Student supervision and the desirable behavior of students in carrying out school purposes is the responsibility of a school corporation and the students of a school corporation.

(b) In all matters relating to the discipline and conduct of students, school corporation personnel stand in the relation of parents and guardians to the students of the school corporation. Therefore, school corporation personnel have the right, subject to this chapter, to take any disciplinary action necessary to promote student conduct that conforms with an orderly and effective educational system.

(c) Students must follow responsible directions of school personnel in all educational settings and refrain from disruptive behavior that interferes with the educational environment.

As added by P.L.131-1995, SEC.10.

IC 20-8.1-5.1-4

Disciplinary powers of teachers and school staff members

Sec. 4. (a) This section applies to a person who:

- (1) is a teacher or other school staff member; and
- (2) has students under the person's charge.

(b) A person may take any action that is reasonably necessary to carry out or to prevent an interference with an educational function that the person supervises.

(c) Subject to rules of the governing body and the administrative staff, a person may remove a student for a period that does not exceed five (5) school days from an educational function supervised

by the person or another person who is a teacher or other school staff member.

As added by P.L.131-1995, SEC.10.

IC 20-8.1-5.1-5

Disciplinary powers of principals

Sec. 5. (a) A principal may take any action concerning the principal's school or a school activity within the principal's jurisdiction that is reasonably necessary to carry out or prevent interference with an educational function or school purposes.

(b) Subsection (a) allows a principal to write regulations to govern student conduct.

As added by P.L.131-1995, SEC.10.

IC 20-8.1-5.1-6

Disciplinary powers of superintendents and administrative staff members

Sec. 6. A superintendent or a member of the superintendent's administrative staff may, with the superintendent's approval, take any action with respect to all schools within the superintendent's jurisdiction that is reasonably necessary to carry out or prevent interference with an educational function or school purposes.

As added by P.L.131-1995, SEC.10.

IC 20-8.1-5.1-7

Adoption of discipline rules; publicity requirement; discipline policy regulations and guidelines; delegation of authority; rulemaking powers of school corporation governing body

Sec. 7. (a) The governing body of a school corporation must do the following:

(1) Establish written discipline rules, which may include appropriate dress codes, for the school corporation.

(2) Give general publicity to the discipline rules within a school where the discipline rules apply by actions such as:

(A) making a copy of the discipline rules available to students and students' parents; or

(B) delivering a copy of the discipline rules to students or the parents of students.

This publicity requirement may not be construed technically and is satisfied in any case when the school corporation makes a good faith effort to disseminate to students or parents generally the text or substance of a discipline rule.

(b) The superintendent of a school corporation and the principals of each school in a school corporation may adopt regulations establishing lines of responsibility and related guidelines in compliance with the discipline policies of the governing body.

(c) The governing body of a school corporation may delegate rule making, disciplinary, and other authority as reasonably necessary to carry out the school purposes of the school corporation.

(d) Subsection (a) does not apply to rules or directions concerning

the following:

- (1) Movement of students.
- (2) Movement or parking of vehicles.
- (3) Day-to-day instructions concerning the operation of a classroom or teaching station.
- (4) Time for commencement of school.
- (5) Other standards or regulations relating to the manner in which an educational function must be administered.

However, this subsection does not prohibit the governing body from regulating the areas listed in this subsection.

As added by P.L.131-1995, SEC.10. Amended by P.L.61-1995, SEC.3.

IC 20-8.1-5.1-7.5

Possession and self-administration of medication permitted

Sec. 7.5. (a) Discipline rules adopted under section 7 of this chapter must provide that a student with a chronic disease or medical condition may possess and self-administer medication for the chronic disease or medical condition during the times and in the places set forth under section 8(b) of this chapter if the following conditions are met:

- (1) The student's parent has filed an authorization with the student's principal for the student to possess and self-administer the medication. The authorization must include the statement described in subdivision (2).
- (2) A physician states in writing that:
 - (A) the student has an acute or chronic disease or medical condition for which the physician has prescribed medication;
 - (B) the student has been instructed in how to self-administer the medication; and
 - (C) the nature of the disease or medical condition requires emergency administration of the medication.

(b) The authorization and statement described in subsection (a) must be filed with a student's principal annually.

As added by P.L.264-2001, SEC.2.

IC 20-8.1-5.1-8

Grounds for suspension or expulsion

Sec. 8. (a) The following are the grounds for student suspension or expulsion, subject to the procedural requirements of this chapter and as stated by school corporation rules:

- (1) Student misconduct.
 - (2) Substantial disobedience.
- (b) The grounds for suspension or expulsion listed in subsection (a) apply when a student is:
- (1) on school grounds immediately before or during school hours, or immediately after school hours, or at any other time when the school is being used by a school group;
 - (2) off school grounds at a school activity, function, or event;
- or

- (3) traveling to or from school or a school activity, function, or event.

As added by P.L.131-1995, SEC.10.

IC 20-8.1-5.1-9

Unlawful activity by student

Sec. 9. In addition to the grounds specified in section 8 of this chapter, a student may be suspended or expelled for engaging in unlawful activity on or off school grounds if:

- (1) the unlawful activity may reasonably be considered to be an interference with school purposes or an educational function; or
- (2) the student's removal is necessary to restore order or protect persons on school property;

including an unlawful activity during weekends, holidays, other school breaks, and the summer period when a student may not be attending classes or other school functions.

As added by P.L.131-1995, SEC.10.

IC 20-8.1-5.1-10

Possession of firearms, deadly weapons, or destructive devices

Sec. 10. (a) As used in this section, "firearm" has the meaning set forth in IC 35-47-1-5.

(b) As used in this section, "deadly weapon" has the meaning set forth in IC 35-41-1-8. The term does not include a firearm or destructive device.

(c) As used in this section, "destructive device" has the meaning set forth in IC 35-47.5-2-4.

(d) Notwithstanding section 14 of this chapter, a student who is:

- (1) identified as bringing a firearm or destructive device to school or on school property; or
- (2) in possession of a firearm or destructive device on school property;

must be expelled for a period of at least one (1) calendar year, with the return of the student to be at the beginning of the first school semester after the end of the one (1) year period.

(e) The superintendent may, on a case-by-case basis, modify the period of expulsion under subsection (d) for a student who is expelled under this section.

(f) Notwithstanding section 14 of this chapter, a student who is:

- (1) identified as bringing a deadly weapon to school or on school property; or
- (2) in possession of a deadly weapon on school property;

may be expelled for a period of not more than one (1) calendar year.

(g) A superintendent or the superintendent's designee shall immediately notify the appropriate law enforcement agency having jurisdiction over the property where the school is located if a student engages in a behavior described in subsection (d). The superintendent may give similar notice if the student engages in a behavior described in subsection (f). Upon receiving notification under this subsection, the law enforcement agency shall begin an

investigation and take appropriate action.

(h) A student with disabilities (as defined in IC 20-1-6.1-7) who possesses a firearm on school property is subject to procedural safeguards under 20 U.S.C. 1415.

As added by P.L.131-1995, SEC.10. Amended by P.L.61-1995, SEC.4; P.L.264-2001, SEC.3; P.L.123-2002, SEC.25.

IC 20-8.1-5.1-11

Student's legal settlement not in attendance area

Sec. 11. A student may be expelled from school if the student's legal settlement is not in the attendance area of the school corporation where the student is enrolled.

As added by P.L.131-1995, SEC.10.

IC 20-8.1-5.1-12

Maximum term of suspension; procedure

Sec. 12. (a) A principal may suspend a student for not more than ten (10) school days under section 8, 9, or 10 of this chapter. However, the student may be suspended for more than ten (10) school days under section 16 of this chapter.

(b) A principal may not suspend a student before the principal affords the student an opportunity for a meeting during which the student is entitled to the following:

- (1) A written or an oral statement of the charges against the student.
- (2) If the student denies the charges, a summary of the evidence against the student.
- (3) An opportunity for the student to explain the student's conduct.

(c) When misconduct requires immediate removal of a student, the meeting under subsection (b) shall commence as soon as reasonably possible after the student's suspension.

(d) Following a suspension, the principal shall send a written statement to the parent of the suspended student describing the following:

- (1) The student's misconduct.
- (2) The action taken by the principal.

As added by P.L.131-1995, SEC.10.

IC 20-8.1-5.1-13

Expulsion procedure; appeals

Sec. 13. (a) A superintendent of a school corporation may conduct an expulsion meeting or appoint one (1) of the following to conduct an expulsion meeting:

- (1) Legal counsel.
- (2) A member of the administrative staff if the member:
 - (A) has not expelled the student during the current school year; and
 - (B) was not involved in the events giving rise to the expulsion.

The superintendent or a person designated under this subsection may issue subpoenas, compel the attendance of witnesses, and administer oaths to persons giving testimony at an expulsion meeting.

(b) An expulsion may take place only after the student and the student's parent are given notice of their right to appear at an expulsion meeting with the superintendent or a person designated under subsection (a). Notice of the right to appear at an expulsion meeting shall:

- (1) be made by certified mail or by personal delivery;
- (2) contain the reasons for the expulsion; and
- (3) contain the procedure for requesting an expulsion meeting.

(c) The person conducting an expulsion meeting:

- (1) shall make a written summary of the evidence heard at the expulsion meeting;
- (2) may take action that the person finds appropriate; and
- (3) must give notice of the action taken under subdivision (2) to the student and the student's parent.

(d) If the student or the student's parent within ten (10) days of receipt of a notice of action taken under subsection (c) makes a written appeal to the governing body, the governing body:

- (1) shall hold a meeting to consider:
 - (A) the written summary of evidence prepared under subsection (c)(1); and
 - (B) the arguments of the principal and the student or the student's parent;

unless the governing body has voted under subsection (f) not to hear appeals of actions taken under subsection (c); and

- (2) may take action that the governing body finds appropriate.

The decision of the governing body may be appealed only under section 15 of this chapter.

(e) A student or a student's parent who fails to request and appear at an expulsion meeting after receipt of notice of the right to appear at an expulsion meeting forfeits all rights administratively to contest and appeal the expulsion. For purposes of this section, notice of the right to appear at an expulsion meeting or notice of the action taken at an expulsion meeting is effectively given at the time when the request or notice is delivered personally or sent by certified mail to a student and the student's parent.

(f) The governing body may vote not to hear appeals of actions taken under subsection (c). If the governing body votes not to hear appeals, after the date on which the vote is taken a student or parent may appeal only under section 15 of this chapter.

As added by P.L.131-1995, SEC.10. Amended by P.L.61-1995, SEC.5; P.L.156-1996, SEC.1.

IC 20-8.1-5.1-14

Maximum term of expulsion; reenrollment in alternative program after expulsion or exclusion; reinstatement review

Sec. 14. (a) Except as provided in section 10 of this chapter, a student may not be expelled for a longer period than the remainder

of the school year in which the expulsion took effect if the misconduct occurs during the first semester. Whenever a student is expelled during the second semester, the expulsion remains in effect for summer school and may remain in effect for the first semester of the following school year, unless otherwise modified or terminated by order of the governing body. The appropriate authorities may require that a student who is at least sixteen (16) years of age and who wishes to reenroll after an expulsion or an exclusion attend an alternative program.

(b) An expulsion that takes effect more than three (3) weeks before the beginning of the second semester of a school year must be reviewed before the beginning of the second semester. The review shall be conducted by the superintendent or a person designated under section 13(a) of this chapter after notice of the review has been given to the student and the student's parent. The review is limited to newly discovered evidence or evidence of changes in the student's circumstances occurring since the original meeting. The review may lead to a recommendation by the person conducting the review that the student be reinstated for the second semester.

(c) An expulsion that will remain in effect during the first semester of the following school year must be reviewed before the beginning of the school year. The review shall be conducted by the superintendent or a person designated under section 13(a) of this chapter after notice of the review has been given to the student and the student's parent. The review is limited to newly discovered evidence or evidence of changes in the student's circumstances occurring since the original meeting. The review may lead to a recommendation by the person conducting the review that the student be reinstated for the upcoming school year.

As added by P.L.131-1995, SEC.10.

IC 20-8.1-5.1-15

Scope of judicial review

Sec. 15. Judicial review of a governing body's action under this chapter by the circuit or superior court of the county in which a student who is the subject of the governing body's action resides is limited to the issue of whether the governing body acted without following the procedure required under this chapter.

As added by P.L.131-1995, SEC.10.

IC 20-8.1-5.1-15.5

Effectiveness of statute during judicial review

Sec. 15.5. An expulsion that has been upheld by a governing body continues in effect during judicial review under section 15 of this chapter unless:

- (1) the court grants a temporary restraining order under the Indiana Rules of Civil Procedure; and
- (2) the school corporation was given the opportunity to appear at the hearing regarding the temporary restraining order.

As added by P.L.196-1995, SEC.3.

IC 20-8.1-5.1-16

Suspension pending expulsion decision

Sec. 16. The superintendent or the person designated by the superintendent under section 13(a) of this chapter may continue suspension of a student for more than the ten (10) school day period of the principal's suspension and until the time of the expulsion decision under section 13 of this chapter if the superintendent or the designated person determines that the student's continued suspension will prevent or substantially reduce the risk of:

- (1) interference with an educational function or school purposes; or
- (2) a physical injury to the student, other students, school employees, or visitors to the school.

However, a student may not be suspended from school pending a meeting on a student's proposed expulsion if the expulsion is ordered under section 11 of this chapter.

As added by P.L.131-1995, SEC.10.

IC 20-8.1-5.1-17

Requirements for reenrollment after expulsion

Sec. 17. (a) This section applies to a student who:

- (1) is at least sixteen (16) years of age; and
- (2) wishes to reenroll after an expulsion.

(b) A principal may require a student to attend one (1) or more of the following:

- (1) An alternative school or alternative educational program.
- (2) Evening classes.
- (3) Classes established for students who are at least sixteen (16) years of age.

As added by P.L.131-1995, SEC.10. Amended by P.L.156-1996, SEC.2.

IC 20-8.1-5.1-18

Additional disciplinary actions authorized

Sec. 18. (a) This section applies to a person who:

- (1) is a member of the administrative staff, a teacher, or other school staff member; and
- (2) has students under the person's charge.

(b) A person may take disciplinary action in addition to suspension and expulsion that is necessary to ensure a safe, orderly, and effective educational environment. Disciplinary action under this section may include the following:

- (1) Counseling with a student or group of students.
- (2) Conferences with a parent or group of parents.
- (3) Assigning additional work.
- (4) Rearranging class schedules.
- (5) Requiring a student to remain in school after regular school hours to do additional school work or for counseling.
- (6) Restricting extracurricular activities.
- (7) Removal of a student by a teacher from that teacher's class

for a period not to exceed:

(A) five (5) class periods for middle, junior high, or high school students; or

(B) one (1) school day for elementary school students;

if the student is assigned regular or additional school work to complete in another school setting.

(8) Assignment by the principal of:

(A) a special course of study;

(B) an alternative educational program; or

(C) an alternative school.

(9) Assignment by the principal of the school where the recipient of the disciplinary action is enrolled of not more than one hundred twenty (120) hours of service with a nonprofit organization operating in or near the community where the school is located or where the student resides. The following apply to service assigned under this subdivision:

(A) A principal may not assign a student under this subdivision unless the student's parent or guardian approves:

(i) the nonprofit organization where the student is assigned; and

(ii) the plan described in clause (B)(i).

A student's parent or guardian may request or suggest that the principal assign the student under this subdivision.

(B) The principal shall make arrangements for the student's service with the nonprofit organization. Arrangements must include the following:

(i) A plan for the service that the student is expected to perform.

(ii) A description of the obligations of the nonprofit organization to the student, the student's parents, and the school corporation where the student is enrolled.

(iii) Monitoring of the student's performance of service by the principal or the principal's designee.

(iv) Periodic reports from the nonprofit organization to the principal and the student's parent or guardian of the student's performance of the service.

(C) The nonprofit organization must obtain liability insurance in the amount and of the type specified by the school corporation where the student is enrolled that is sufficient to cover liabilities that may be incurred by a student who performs service under this subdivision.

(D) Assignment of service under this subdivision suspends the implementation of a student's suspension or expulsion. A student's completion of service assigned under this subdivision to the satisfaction of the principal and the nonprofit organization terminates the student's suspension or expulsion.

(10) Removal of a student from school sponsored transportation.

(11) Referral to the juvenile court having jurisdiction over the

student.

(c) As used in this subsection, "physical assault" means the knowing or intentional touching of another person in a rude, insolent, or angry manner. When a student physically assaults a person having authority over the student, the principal of the school where the student is enrolled shall make a referral of the student to the juvenile court having jurisdiction over the student. However, a student with disabilities (as defined in IC 20-1-6.1-7) who physically assaults a person having authority over the student is subject to procedural safeguards under 20 U.S.C. 1415.

As added by P.L.131-1995, SEC.10. Amended by P.L.157-1996, SEC.1.

IC 20-8.1-5.1-19

Rules requiring participation in disciplinary action by person caring for dependent student

Sec. 19. The governing body of a school corporation may adopt rules that require a person having care of a dependent student to participate in an action taken under this chapter in connection with a student's behavior. The rules must include the following:

- (1) Procedures for giving actual notice to the person having care of the dependent student.
- (2) A description of the steps that the person must take to participate in the school corporation's action.
- (3) A description of the additional actions in connection with the student's behavior that are justified in part or in full if the person does not participate in the school corporation's action.

As added by P.L.131-1995, SEC.10.

IC 20-8.1-5.1-20

Supplemental procedures authorized

Sec. 20. The governing body of a school corporation may by rule amplify, supplement, or extend the procedures provided in this chapter in any way that is consistent with this chapter.

As added by P.L.131-1995, SEC.10.

IC 20-8.1-5.1-21

Waiver of rights

Sec. 21. Any rights granted to a student or a student's parent by this chapter may be waived only by a written instrument signed by both the student and the student's parent. The waiver is valid if made voluntarily and with the knowledge of the procedures available under this chapter and of the consequences of the waiver.

As added by P.L.131-1995, SEC.10.

IC 20-8.1-5.1-22

Special schools

Sec. 22. (a) As used in this section, "special school" includes the following:

- (1) A vocational school.

- (2) A special education school or program.
 - (3) An alternative school or program.
 - (b) To the extent possible, this chapter applies to a special school.
 - (c) The governing body of a special school may make necessary modifications to the responsibilities of school personnel under this chapter in order to accommodate the administrative structure of a special school.
 - (d) In addition to a disciplinary action imposed by a special school, the principal of the school where a student is enrolled may without additional procedures adopt a disciplinary action or decision of a special school as a disciplinary action of the school corporation.
- As added by P.L.131-1995, SEC.10.*

IC 20-8.1-5.1-23

Enrollment in another school corporation or charter school during period of expulsion or proposed expulsion

Sec. 23. (a) This section applies to the following:

- (1) A student who:
 - (A) is expelled from a school corporation or charter school under this chapter; or
 - (B) withdraws from a school corporation or charter school to avoid expulsion.
- (2) A student who:
 - (A) is required to separate for disciplinary reasons from a nonpublic school or a school in a state other than Indiana by the administrative authority of the school; or
 - (B) withdraws from a nonpublic school or a school in a state other than Indiana in order to avoid being required to separate from the school for disciplinary reasons by the administrative authority of the school.
- (b) The student may enroll in another school corporation or charter school during the period of the actual or proposed expulsion or separation if:
 - (1) the student's parent informs the school corporation in which the student seeks to enroll and also:
 - (A) in the case of a student withdrawing from a charter school that is not a conversion charter school to avoid expulsion, the conversion charter school; or
 - (B) in the case of a student withdrawing from a conversion charter school to avoid expulsion:
 - (i) the conversion charter school; and
 - (ii) the school corporation that sponsored the conversion charter school;
 - of the student's expulsion or separation or withdrawal to avoid expulsion or separation;
 - (2) the school corporation (and, in the case of a student withdrawal described in subdivision (1)(A) or (1)(B), the charter school) consents to the student's enrollment; and
 - (3) the student agrees to the terms and conditions of enrollment established by the school corporation (or, in the case of a

student withdrawal described in subdivision (1)(A) or (1)(B), the charter school or conversion charter school).

(c) If:

(1) a student's parent fails to inform the school corporation of the expulsion or separation or withdrawal to avoid expulsion or separation; or

(2) the student fails to follow the terms and conditions of enrollment under subsection (b)(3);

the school corporation or charter school may withdraw consent and prohibit the student's enrollment during the period of the actual or proposed expulsion or separation.

(d) Before a consent is withdrawn under subsection (c) the student must have an opportunity for an informal meeting before the principal of the student's proposed school. At the informal meeting, the student is entitled to:

(1) a written or an oral statement of the reasons for the withdrawal of the consent;

(2) a summary of the evidence against the student; and

(3) an opportunity to explain the student's conduct.

(e) This section does not apply to a student who is expelled under section 11 of this chapter.

As added by P.L.131-1995, SEC.10. Amended by P.L.55-1998, SEC.2; P.L.202-2003, SEC.1; P.L.97-2004, SEC.75.

IC 20-8.1-5.1-24

Effect of suspension or expulsion on compulsory attendance laws

Sec. 24. If a student is suspended or expelled from school or from any educational function under this chapter, the student's absence from school because of the suspension or expulsion is not a violation of IC 20-8.1-3 or any other statute relating to compulsory school attendance.

As added by P.L.131-1995, SEC.10.

IC 20-8.1-5.1-25

Locker searches

Sec. 25. (a) A school corporation must provide each student and each student's parent a copy of the rules of the governing body on searches of students' lockers and locker contents.

(b) A student who uses a locker that is the property of a school corporation is presumed to have no expectation of privacy in that locker or the locker's contents.

(c) A principal may, in accordance with the rules of the governing body, search a student's locker and the locker's contents at any time.

(d) A law enforcement agency having jurisdiction over the geographic area having a school facility containing a student's locker may:

(1) at the request of the school principal; and

(2) in accordance with rules of the governing body of the school corporation;

assist a school administrator in searching a student's locker and the

locker's contents.

As added by P.L.131-1995, SEC.10.

IC 20-8.1-5.1-26

Duty to submit information to bureau of motor vehicles

Sec. 26. Before February 1 and before October 1 of each year, except when a hearing has been requested under IC 9-24-2-1(a)(4), the governing body of the school corporation shall submit to the bureau of motor vehicles the pertinent information concerning an individual's ineligibility under IC 9-24-2-1 to be issued a driver's license or learner's permit, or concerning the invalidation of a license or permit under IC 9-24-2-4.

As added by P.L.132-1995, SEC.4.

IC 20-8.1-5.1-27

Disciplinary action for children with disabilities

Sec. 27. (a) Notwithstanding any other law, a suspension, an expulsion, or another disciplinary action against a student who is a child with a disability (as defined in IC 20-1-6-1) is subject to the:

- (1) procedural requirements of 20 U.S.C. 1415; and
- (2) rules adopted by the Indiana state board of education.

(b) The division of special education shall propose rules under IC 20-1-6-2.1(a)(5) to the Indiana state board of education for adoption under IC 4-22-2 governing suspensions, expulsions, and other disciplinary action for a student who is a child with a disability (as defined in IC 20-1-6-1).

As added by P.L.12-1998, SEC.2.